

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

In Re Subpoena Issued to
Birch Communications, Inc. f/k/a
CBeyond Communications, LLC

Case No. 1:14-cv-03904-WSD-JFK

**RIGHTSCORP'S RESPONSE TO
CBeyond's REQUEST FOR SANCTIONS**

On January 30, 2015, pursuant to Rule 72 of the Federal Rules of Civil Procedure, Rightscorp, Inc. ("Rightscorp") timely filed Objections to Magistrate Judge Janet F. King's January 16, 2015 Order granting the Motion to Quash filed by Birch Communications, Inc. f/k/a CBeyond Communications, LLC ("CBeyond"). (ECF No. 19.) On February 12, 2015, even though CBeyond did not file timely objections to the Magistrate Judge's Order, CBeyond nonetheless filed a Reply in which it "incorporates its other arguments" from its Motion to Quash, including its request for sanctions for having to respond to the subpoena. (ECF No. 20.) Since this reference to sanctions caused CBeyond's Reply to be docketed as a separate motion (ECF No. 21), Rightscorp submits this brief response.

CBeyond's Motion to Quash sought sanctions pursuant to Rule 45 of the Federal Rules of Civil Procedure. The Magistrate Judge properly rejected CBeyond's request for sanctions. Even though she disagreed with Rightscorp on

the issue of whether Section 512(h) of the Copyright Act authorized Rightscorp's subpoena (which is the subject of Rightscorp's Objections), she noted that the issue is one of first impression in the Eleventh Circuit and held that the issuance of the subpoena was not unreasonable. (Order at 9-10.)

For the same reasons set forth by the Magistrate Judge in her Order, and those previously set forth in Rightscorp's Response to the Motion to Quash (ECF No. 11 at 24-25), CBeyond's request for sanctions should be denied.

This 2nd day of March, 2015.

Respectfully submitted,

/s/ Lisa Moore

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CERTIFICATION AS TO FONT

In accordance with Local Rule 7.1(D), the undersigned certifies that
RIGHTSCORP'S RESPONSE TO CBeyond's REQUEST FOR SANCTIONS
was prepared with Times New Roman 14, a font and point selection approved by
the Court in Local Rule 5.1(C).

DATED: March 2, 2015

/s/ Lisa Moore

Lisa Moore
Georgia Bar No. 419633

CERTIFICATE OF SERVICE

This is to certify that, on March 2, 2015, I electronically filed
RIGHTSCORP'S RESPONSE TO CBEYOND'S REQUEST FOR SANCTIONS
with the Clerk of Court using the CM/ECF system, which will automatically send
email documentation of such filing to the following attorneys of record for
CBeyond:

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DATED: March 2, 2015

/s/ Lisa Moore

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